Hearing Transcript

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Washington, D.C RICHARD LAND: Good afternoon. We're grateful for you coming this afternoon and for the witnesses, and for those who are here from the press and others.The images of thousands of Burmese monks bravely protesting against tyranny are some of the most enduring of recent memory. What began as an almost impromptu protest over fuel prices mushroomed into a nationwide, peaceful democratic groundswell. The Burmese people again hoped for liberty only to find more brutality and violence. We are all outraged at the sight of troops firing on peaceful demonstrators, of dead bodies in the streets of Rangoon, of police disrobing and beating monks. There are photos of blood on the ground of monasteries where monks were beaten, arrested and carried away to uncertain fates.Yesterday we learned of another atrocity. The military junta in Burma has charged monk U Gambira, one of the leaders of the All-Burma Monks Alliance, with treason, a charge that carries with it the death sentence. Before he was arrested, U Gambira released this statement, and I quote: "Good people in Burma are being killed or imprisoned, tortured and then sent to forced labor camps. I sincerely ask the international community to do something to stop these atrocities. My chances of survival are very slim now," he said, "but I have not given up hope, and I will try my best."The international community needs to demand a full accounting of the latest atrocities in Burma so that we can know the scope of the Burmese military's brutality and can hold those responsible accountable. All monks need to be freed immediately and unconditionally.We do not know everything that has happened in the aftermath of the crackdown. Reports are emerging that suggest that the abuse of protesters was more brutal than initially described, and there were more fatalities, torture and arrests than have been reported. The military's bloody response to the demonstrations was a setback, but if we have learned anything from recent history, we know that freedom ultimately triumphs and trumps tyranny. As Burma's elected leader, Aung San Suu Kyi has eloquently stated, "we will prevail because our cause is right, because our cause is just. History is on our side. Time is on our side."But I am also reminded of another quote, this one from Dr. Martin Luther King Jr., who wrote in 1963 that "freedom is never voluntarily given by the oppressors; it must be demanded by the oppressed."The Burmese people are demanding their liberty. It is time for the world to join them fully in this cause. Along with the U.S. government, the United States Commission on International Religious Freedom believes that it is time for the Burmese generals to step aside and make way for a unified Burma governed by its elected leaders. That is the only way that regional security can be assured and massive humanitarian and human rights and religious freedom abuses can be resolved.The commission has urged, as have others, a clear U.N. Security Council resolution that calls for the release of Burmese prisoners, an end to the regime's crackdown, and real dialogue that leads to peaceful transition to democracy. We have also urged the U.S. government to use its leverage and influence to convince other governments to condemn the military's violence and help work toward freedom in Burma. What is needed today is a discussion of whether there is anything more that can be done to encourage freedom and end oppression. There have been many Burma-related events held in Washington over the past few months. This hearing is our commission's attempt to offer some perspective on what has happened in the aftermath of the Saffron Revolution and to answer some other pertinent questions.First, how could we evaluate and understand the monks' leadership of the demonstrations and democracy movement, and how can we account for them after the initial crackdown? How many have been arrested, disappeared, disrobed, or killed?Second, how has religion played a role, both in opposing the military junta, and in the military junta's ethnic policies? How have religious freedom abuses targeting ethnic minorities been a source of communal conflict and regional instability?Third, how can we evaluate the prospects for recent U.N. diplomatic efforts? Is the U.S. being as effective as it can be? Do we have the diplomatic leverage and policy tools to help bring democratic change and an end to oppression in Burma? We have three panels today and two hours in which to discuss these issues. But first, let me introduce the commission, myself and colleagues.The U.S. Commission on International Religious Freedom is a bipartisan, independent, federal agency created to monitor and report on religious freedom in other countries and provide policy recommendations to the president, secretary of State and Congress on how best to advance religious freedom abroad. I am Richard Land. I'm the vice chair of the U.S. Commission on International Religious Freedom. Joining me today are Commissioners Felice Gaer and Imam Talal Y. Eid. We also expect some members of Congress to attend the hearing.To set the stage for the witnesses, I would like first to present the videotaped account of a 23-year-old monk, Ashin Kavida. There are subtitles, but you can also find the text in the press packets. (Video presentation.)MR. LAND: I'm going to invite the members of our first panel to seat themselves here. For our first panel today, we will hear from two distinguished witnesses with unique insight regarding the developments of the Saffron Revolution. Also Commissioner Nina Shea has joined us as well.First we will hear from Paul Rush. Paul Rush was one of the few foreign journalists who covered the protests and demonstrations in Rangoon from early September and remained in the area to report on the subsequent crackdown in October. He continued sending reports from Rangoon until he was nearly arrested himself and forced to leave the

country. Paul has also produced an intensive two-week training video for journalists for the Democratic Voice of Burma's monthly satellite newscast which is broadcast within Burma via illegal satellite dishes. He is currently a regular English-language contributor on Southeast Asian News for France 24.Second, we will hear from the venerable Ashin Nayaka. Ashin Nayaka received his Ph.D. in India in 2000 and is currently a visiting scholar in the Department of History at Columbia University. His doctoral dissertation is focused on the role of Buddhism in social, cultural and political developments of Burma. He is also founder and director of the Buddhist Missionary Society in New York.Please, Mr. Rush, Mr. Nayaka.Our panelists -- each witness has been instructed and asked to speak for seven minutes, and then we will have questions from our Commissioners. Thank you.PAUL RUSH: Thank you, Commissioners.During the pre-dawn hours of September 27th, military trucks filled with Burmese soldiers stormed key monasteries in Rangoon. The pictures of blood-stained floors in monks' quarters and later of a Buddhist monk's badly beaten body as he lay face down in a stream shocked us all. Later that morning, I was in the business center of a prominent hotel reading the wire reports that were beginning to emerge. At ten minutes to 1 p.m., I left the center to make my way down to the protests. I entered a restroom in the hotel to wash my hands. Two well-dressed men exited stalls and washed their hands in nearby sinks. If I was in a hurry, then these men seemed in an even bigger hurry. I took longer than usual and observed the men as I walked out, 10 steps behind.An older, venerable looking Buddhist monk awaited them. In the context, something seemed ominous and woefully wrong with this picture. The men quickly descended the staircase to the hotel lobby. Within seconds, an army jeep pulled up to the main entrance. Half a dozen soldiers with machine guns, grinning and joking, were packed into the back of the truck. The monk and the two men got into the front of the jeep and drove into the direction of Sule Pagoda, the main rallying point for the protests. Though I could have no way to know precisely what this meant, whoever this monk was, he moved freely and without fear. And under the circumstances, he kept very suspicious company.A monk in exile on the Thai/Burma border later explained to me that not all monks were following the path of enlightenment and that some had chosen to use their position to inform the military government of their fellows engaging in or supporting the pro-democracy movement. Others were planted from a young age to be informers. Clearly, the monk in the military truck was not one of the many thousands who took part in the largest-ever protests by monks in Burma, nor did he seem to be adversely affected by the pre-dawn raids on more than a dozen monasteries around Rangoon.The people I saw in Burma, the taxi drivers, shopkeepers, those who were courageous enough to talk, all echoed the same sentiment. They were deeply angered and hurt by the military dictator's violent actions against a sacred institution and against their democracy heroes. They would never forget.A friend and pro-democracy Burmese activist in exile said the following. "Buddhism is very sacred for Burmese. Monks are followers of Buddha, sons of the Buddha. Monks are supposed to be untouchable," he said. "I was really surprised and shocked when they beat and killed the monks. If the SPDC can torture, beat and dare to kill the monks, they can torture and kill everyone in our country. That means they will stop at nothing, and they will do anything. My people are now very depressed."I continued from the hotel toward Sule Pagoda. A monsoon rain delayed the protests by nearly 45 minutes. I was on the same street and two short city blocks away from the Japanese journalist Kenji Nagai when he was killed. The soldiers were shooting in my direction. My camera was trained on a truckload of military arriving in the far intersection when I noticed that someone was down. There was so much noise and confusion, that I could only focus on one thing at a time. I zoomed in to the wounded man as he lay dying. Protesters later told me that a journalist had been shot. Even then, it didn't occur to me that he might be a colleague. In the days that followed, I watched with horror as CNN and the BBC ran images of Kenji Nagai being killed, over and over again.As I composed my next frame, I was distracted by the metallic jangle of a soldier's machine gun as he came barreling toward me. He wore a manic, terrified expression under his helmet. He knew my camera contained evidence of the atrocities. He grabbed me by the arm, but I broke free and escaped up a side street with hundreds of pedestrians and fleeing protesters. Within minutes, the protesters regrouped on a parallel road and, despite the violence, boldly continued to march.I was the only Western journalist to march with them until the military confronted us again a couple of hours later. This time they stormed us with their trucks, firing into the crowd as they went. I filmed what I could, including the protesters, as we hid in an apartment courtyard, then in a stairwell, and as we crouched our heads each time the soldiers fired from within the courtyard. The murderous events of the 1988 massacre in Burma were very clearly in our minds, and I was sure that the soldiers would open fire into the stairwell.The military didn't do this, of course. And relative to the 1988 massacre, they exercised great restraint, but only because they were forced to. The events of 1988 occurred in a media vacuum; the generals, and soldiers under their care, were free to do as they pleased at that time. Now 19 years later, thanks to the Democratic Voice of Burma Television, several underground networks of courageous Burmese and citizen journalists, the whole world was watching. The generals could play brinkmanship, but they could not bring events much beyond that brink without also toppling the regime. Their hands were tied.U.N. Special Envoy Ibrahim Gambari was scheduled to arrive in 36 hours. Meanwhile, CNN and every major news network was receiving regular photo and video updates via the Internet from these brave Burmese inside. Even so, the SPDC ruthlessly killed unarmed civilians in the streets. And we all fear that they've killed and tortured even more behind closed doors, and we have evidence of that in some of these. They hunted their own people in alleyways, in stairwells, in their homes as they slept and, of course, in monasteries. All of that simply for demanding basic freedoms that we in the West take for granted.The events that came to a head on September 27th could have yielded a revolution or a Tiananmen Square. Instead, the world saw an inconclusive outcome, a little of each reality that serves to remind us that the work for democracy in Burma is not done. Burmese people are angry, hurt and depressed. This inconclusive outcome seems to indicate a sequel. The people of Burma are withering. Their ethnic minorities are being exterminated. Their men, women and children suffering from malnutrition and the spread of communicable disease.Democracy and religion in Burma are very much flip-sides of the same coin. They are about civic and spiritual understanding, the great yearning for each and the sacrifices necessary to achieve them. Democracy and Buddhism especially go hand in hand in Burma. The Buddhist monks spoke for the people when it was too dangerous for the people to speak for themselves. They courageously defended the rights of the

people who feed them, and they took a valiant stand against injustice and tyranny. Aung San Suu Kyi, Min Ko Naing, Ko Ko Gyi and many others have sacrificed their lives and freedom to see democracy take root. Democracy and the yearning and struggle for it cannot be separated from Buddhism. It cannot be separated from religion in Burma. The Burmese people, which includes the country's badly persecuted ethnic minorities, need the help of the international community to shed this yoke of half a century of oppression by a minority of murderous military elite. That, I presume, is why this hearing is taking place here today. It's why the international community is still listening. The Burmese people want democracy, they yearn for democracy. It's why I join with you all to reveal the tremendous reservoirs of light struggling beneath the darkness of a tiny and an unconscionable minority.Thank you very much.MR. LAND: Thank you.Mr. Nayaka.ASHIN NAYAKA: Thank you for allowing me this opportunity to speak before the U.S. Commission on International Religious Freedom. I am a Burmese Buddhist monk, a visiting professor at Columbia University. I came here to be the voice of my fellow monks and be the voice of the people of Burma who have long been denied all freedoms, including religious freedom, under one of the most repressive regimes in the world.People all over have witnessed the terrible and wicked system of dictatorship imposed upon us. Through the help of international news media, the world has been able to see the brutality. The military regime killed peaceful demonstrators. They have killed monks who are highly respected by the people as Buddhism is major religion in the world. They have emptied monasteries which are not only place for worship and religious functions, but also for education, maintenance of culture, caring for AIDS patients. Burma's military have forcibly disrobed monks, beaten them, assaulted them very badly. They have committed crimes against humanity. These recent brutalities will stand as great tragedy in our long history of monastic Buddhism. This wicked regime committed those atrocities in full view of the world. They are shameless, seeking only to systematically oppress all Burmese people for decades to come.We are all deeply concerned about the fate of fellow monks, including U Gambira, who led the recent protest in Burma, as well as all political prisoners. I hope that international community, international governments and the United Nations will pressure military regime to immediately grant the ICRC access to these detainees and release them immediately.What I wish to say is the spiritual authority of Burma resides in the Dhamma, the teachings of Buddha. The Dhamma in Burma is both protected and practiced primarily in the minds and hearts of the monks and nuns in our country. Of course, the lay people practice Dhamma, too. But the symbol of hope in our society is the Sanghas, the monastic order of monks.Today, the Sangha of Buddhist monastery order of monks is the enemy of region. They've discontinued -- (unintelligible). Our special obligation is to spread and not to silence or submission. Today we know that several leading Buddhist monks in Burma are still on the run. We do not know with any accuracy how many monks have been killed, how many monks were forcibly disrobed. We do not know how many are in prison. We do not know how many monks have been taken to secret locations. What we know is there is terrible secrecy and silence over Burma.We are at critical moment in history. What we do know is that a number of prominent Buddhist monasteries have been closed, others emptied. Serious questions remain. Where have all the monks gone? Where has the global outcry gone? This should be of grave concern for all governments worldwide. But strong, effective and timely intervention by the international community is urgently needed. This is a moral crisis that Americans must stand for.The Saffron Revolution is not a power struggle but a conflict between peace and moral freedom on one side and the forces of political repression on the other. Participation in this spiritual protest is justifiable in Buddhism. The religious policy of the Saffron Revolution, this Buddhist revolution of conscience continues to be one of peace. Throughout the Burmese history, when the country was in crisis or when the people faced emergency, spiritual leaders played significant role in creating and maintaining peace and stability in society. But monks today are facing great challenges.The very existence of monastic life is being destroyed by the evil military regime. It will face bloodshed again if the international community, including U.N. Security Council, cannot find a collective and effective way to stop this evil regime from killings and arrests.The light of the Dhamma is our guide in this profound expression of spiritual revolution that inspires heart of millions around the world. The light of your dignity, your commitment to freedom is source of our strength. Since the non-violent approach is our way, we have concluded that we will remain peaceful under all circumstances. We firmly believe that our commitment to Dhamma will defeat these unjust rulers in Burma. We remain steadfast in our commitment to freedom in our country, the freedom in our own hearts. All these things Americans value and cherish. Mr. Chairman, freedom for people of Burma cannot be denied. The cost of that freedom is the only question.Finally, I'd like to thank to Mr. President and First Lady, the United States Congress and the American people for their support in our struggle. I also would like to ask Mr. President Bush to make Burma legacy of freedom.Thank you very much.MR. LAND: Thank you. We appreciate both of you being willing to come and give testimony on this important subject. And now we'd like to have some questions from the Commissioners. I'm going to take the chair's prerogative and ask the first question.From your interviews with monks in Thailand and others in the democracy movement, what happened after the military dispersed the people in the streets? What are eyewitnesses telling you about killings and arrests and beatings? Can you tell us what monks from the All Burma Monks Alliance are considering doing now from where we are at this point? Either or both?MR. RUSH: I do have just a few interviews. That's - first of all, in regard to your question, what happened to those who were detained during the protests, those who were detained from the streets, I was also detained for 45 minutes on a military lorry. And across from me were seated a monk and two civilians. I had never seen the same exact expression on three individuals at the same time, but they all had an expression of deep shock. Their eyes were glazed over. I felt I could have waved my hand in front of them and they would barely have responded. I'm not sure that's because they had been beaten before I came on to the truck with them, or if it's because they had seen friends of theirs shot or beaten or killed or injured, or perhaps they were imagining the torture that awaited them. The stories that have been coming back to me - these are not firsthand accounts - are that monks had been disrobed, they had been defrocked and they had been tortured. We also have some video that has come out of the monk who was floating - the dead monk who was floating in a stream in Rangoon. This is not an uncommon practice historically for the SPCD and for their military cronies. One can assume that they are going to give a life sentence to

Gambira - or the death penalty, rather, for high treason, that they'll stop at nothing as they almost stopped at nothing during the protests to quell and quash any dissent.MR. NAYAKA: Since September's crackdown, we are very much concerned about - (unintelligible). As I read in my paper, you know, we are - our prime concern is where monks have gone. We do not actually see how many monks have taken to secret locations, how many monks we have disrobed - how many monks have been disrobed, how their condition now is very critical. I used to spoke with my friends inside Burma, you know, express the great concern about the fate of Buddhism, the fate of our life in Burma. You know, so far as I know, you know, several monks are now, you know - several monks have forced to disrobe. This is our prime concern, you know. The military government, military regime destroying not only the Buddhist monastery - (unintelligible) - but they are killing the soul of our nation. What we feel is, you know, like, this is like something - you know, they are killing the most sacred institution. It's like type of, you know, moral suicide in their life - moral suicide in their life - (unintelligible).MR. LAND: Commissioner Gaer.MS. GAER: Thank you very much. And thank you, both, for being here today.I wanted to ask about two different kinds of questions. Things you may have seen or may be hearing.Mr. Rush, you've written about and you've told us about your own experience. Can you describe to us whether there was any violence in the crowds that you saw? And also if there was any violence used by any of the military that you saw yourself.And with regard to the role of the military, Mr. Nayaka, you said that the military showed restraint compared to 1988. I wondered if you could tell us two things. One, any information of the ages of the military troops active in Rangoon on the day that Mr. Rush was telling us about, the day that the monasteries were cleaned out. And second of all, any information you can give us on the ages and profile of the missing monks as well. And I know you say you don't know where they are. We don't know where they are. But in trying to determine how many are missing and who they are, it would be very helpful if you could elaborate on those two issues.MR. NAYAKA: This is the reason why I'm asking to assist - (unintelligible) - what the situation is inside Burma. But you ask me ages of those missing monks. Most are young, below 30. I currently spoke, you know, with some - those who are in similar dress, they are afraid to leave, to keep this yellow. Actually, you know, this is, you know, symbol of worship in Buddhism according to Buddhist culture or Buddhist belief. This yellow saffron robe is symbol of worship. Today it has become enemy of military regime. So what we, you know, concerned about this situation is these missing monks. We have no accurate information how many monks missing, but what we know is over 300 monks - I have information monks are missing - missing.MS. GAER: Over 300?MR. NAYAKA: Yeah, over 300. Also, some in civilian dress, like lay people dress. But how life is...how special life in Burma under this brutal regime. This is our prime concern. And also, you know, what we, if international community can do anything to stop first, you know, bloody crackdown, bloody confrontation that cannot be denied. Most likely to have been because our commitment to this struggle, our spiritual protests and we are never turning back - such our obligation we have taken. Our obligation is we are asking military government not to give up their power - you know, we just ask them to do something best for people, to negotiate with its own people. Today we are enemy of regime. Actually we are men of peace. Our message is just - (unintelligible) - our message during the protest is just compassionate direction, a harmonious society in all walk of life. But today we are enemy of regime.MR. LAND: Thank you.MR. RUSH: Yes, I think I just want to add, too, that - the fact that a number of Buddhist monks felt the need to take great risks to flee Burma after the fact for neighboring Thailand is indicative of what they knew would occur, what they knew would happen, of what they - both what they witnessed in their monasteries, the brutality that they witnessed against their fellow monks in the monasteries, and also the stories that were coming out from eyewitnesses who had been in detention centers and subsequently been released.You had asked a question, commissioner, about violence, and I'd like to break that - I'm not sure exactly what you meant, but I'll break it into two categories just to be safe. First of all, I saw no violence by civilians. Among the protesters, there was chanting, there was the singing of democracy songs, there was a spirit of defiance; certainly there was an angry spirit at times. But for the most part, it was a jubilant, euphoric, hopeful and wonderful spirit. And they now, of course - on this day, September 27th - no longer had the protection of the monks in the pre-dawn hours of that day they were cracked down upon.So I want to contrast that to the violence that I witnessed by the troops; first in the murder of Kenji Nagai, and then in openly shooting upon the crowds and the peacefully protesting masses. There in Sule Pagoda on that day I saw not a single person throwing a rock. I know it occurred in different places. But the military responded to protesters with gunfire.When - later on, when - this day was bookended by two very violent acts by the military. Later on during the second violent act, during which we were pursued and cornered, I heard many gunshots but did not see a single ounce of blood, perhaps due to the fact that I was focusing on survival and not wanting to make eye contact with the soldiers at that point. I did not see a single dead body, a single wounded person. However, from the truck where I was sitting for 45 minutes, two soldiers stood guard over a culvert, peering into the culvert, and apparently it was their duty to watch whatever was inside there. And it had been several minutes between the time that all the protesters had fled into various apartment courtyards and the time that we had all been evacuated. And if there were any dead or wounded, which some eyewitnesses, Burmese activists, have since told me there were, then I believe that they would have been there in those culverts, in those drainage pipes.MR. LAND: Imam.MR. EID: I'd like to ask Mr. Rush and later Mr. Nayaka - I'd like to thank both of you also for coming today. The Burmese government allowed you to cover the demonstrations and the protests, but later detained you for 45 minutes. How would you describe, in your own opinion, the sudden change or behavior of the government toward you and toward the protesters? And for Mr. Nayaka also, why, in your opinion, the Burmese government would allow a peaceful demonstration by monks and students, and later would respond with tear gas and gunfire?MR. RUSH: Thank you, Commissioner. Without revealing too much of my strategy, having gone into Burma. I would say that I indeed did not have the permission of the Burmese military or government to document the events. If I had been open about that, I believe that I would not have been allowed to be there. So there was not any change specifically toward me. I would concur that it was a great change on that day. And the reason for the change, of course, is that they were free to - the military felt free and within their rights, under the command of the most senior of the generals to open fire on the civilians. The monks were no longer present to protect them.And I might add to

that what the monks did for the people who feed them on a daily basis was truly an act of great heroism. They, in essence, protected the people and they stood up for - they stood up for their fellow citizen's rights, putting their own lives at peril in order to protest the complete lack of basic freedoms. So there was a very great change. And I think the reason for that change is the military succeeded at - unfortunately succeeded at violently and brutally cracking down on the Buddhist monks.MR. NAYAKA: Since, you know, crackdown, we are totally denied to assemble, to practice or to talk each other - even to talk each other in monastery, even on the street.So I think, it even not able to assemble like before. I mean, you know, we live in monastery. Monastery is our own area, and a religious boundary, even if government authority would like to come, they have to take permission from religious authority.But today they are - in Burma, there is no - you know, religious Sangha council - we call Sangha council. They actually - they represented to all young monks in Burma, but they are under military control. So while monks are killing, while monks are torturing, they have no right to speak anything. Those senior monks and up, you know, like high -- (unintelligible) - so you see, one of my colleagues - (unintelligible) - you just read, we wrote an op-ed article - (cry beloved Burma). We wrote this article together. We share our experience together. So you see his condition since he was arrested, where he is. We tried to get this information inside Burma through our friends or even his family, but we were not able to get any accurate information where he is.Like Gambira, there are so many monks in insulting condition. So were never able to assemble again, like, you know, in September. So I think it will never come again if military government continues in Burma. They will do anything to remain in power. Military government will do anything to remain in power. They will control our monastery. They will control the street. But it will be hard to control our heart, our determination. This called suffering of religion.MR. LAND: Commissioner Gaer.MS. GAER: Just to follow up on that last point about your hearts and the distinctions that one can draw. There are some people who say that the Burmese monks were acting out their religion and their religious beliefs. There are others who say this was a political action and only political. Can you draw such a distinction? Can you describe to me --MR. NAYAKA: Yeah, I have to draw, exactly. We have obligation to speak out according to religion, according to Buddhist belief. We have obligation to speak out when people are suffering, what's happening inside the country. This action - like we - our message just compassion, love and kindness, to spread among the people, to solve crisis in Burma. So as monk, we are contrary to take any political post or political role in the government according to our Buddhist belief, Buddhist doctrine, but we have obligation to speak out, we have obligation to do for welfare of many, like, you know, like in monastery. There are -- (unintelligible) -- military government in Rangoon. The monastery do several things, a lot of things for welfare of people like AIDS disease or some, you know, like opened teaching, education. This is not politics, I think. This is not politics. But we - you know Buddhist concept of, you know, non violent and moral code we call religious -- (unintelligible). This is, you know, like non-violent teaching and to just by Buddha during his lifetime. So we have this obligation to speak out, to do for welfare of many. This cannot be, you know, described as politics or out of religion.MS. GAER: Thank you.MR. LAND: Thank you.I want to thank both of you for being with us, taking the time to come here. Thank you for your courage in speaking out for those who are undergoing such persecution. Thank you very much.Our second panel will now come to the witness table. We will hear from those on religious freedom violations against ethnic minorities in Burma. Aung Din in the policy director and cofounder of the United States Campaign for Burma. He has served over four years behind bars as a political prisoner in Burma after organizing and helping to lead the country's nationwide pro-democracy uprising in 1988. He is also country representative of the Assistance Association for Political Prisoners in Burma.Chris Lewa is coordinator of the Arakan Project. Since 1999, Ms. Lewa has focused her attention on the Rohingya minority of Burma, whose plight remains largely ignored. She travels extensively to Bangladesh and Malaysia to monitor their refugee situation. She has also worked as a consultant for Amnesty International, Refugees International, the Norwegian Refugee Council as well as UNHCR.Salai Bawi Lian is the cofounder of Chin Human Rights Organization. He has participated in the U.N. Human Rights Commission, lobbied the U.N. General Assembly and briefed the U.S. Congress on human rights issues in Burma. As a student at Rangoon University, he actively participated in the 1988 pro-democracy uprising until he left the country after the military coup in September of 1988.I would ask you to come now and, if you would, share with us. I'll remind you each witness is asked to limit their comments to seven minutes that we might have time for questions from the panel. And we'll begin with Aung Din.AUNG DIN: Mr. Chairman, Commissioners, thank you very much for holding this public hearing to discuss the situation in my country, Burma, and the U.S. policy options. From the previous witnesses and the video footage, you have learned more about the Saffron Revolution in September, led by Buddhist monks, which have waken up the international community to pay attention to the suffering of the people of Burma under the brutal military junta.Please note that the Saffron Revolution is not an isolated event of Burma. Actually, it is a part of the ongoing struggle of the people of Burma to restore democracy and human rights, including religious freedom, which has started in 1988 and which will end only when we reach our destination.The military junta persists in crushing all the opposition to its rule and prohibiting any freedom of assembly, association, expression and movement as well as religious freedoms. Currently, about 2,000 political detainees remain behind bars, including the Nobel Peace Prize Laureate Daw Aung San Suu Kyi. The use of torture and other cruel, inhumane and degrading punishments and exploitation of prisoners as forced laborers and death in custody remains widespread.Moreover, the junta continues to target ethnic minorities through its "Four Cuts" policy, aimed at cutting off all supplies of food, funds, recruits and intelligence to ethnic resistance groups. Forced relocations, forced labor and all forms of abuses against the ethnic population are an essential part of the junta's systematic campaign to control ethnic areas in the country. One of these abuses is forcing ethnic populations -- many of them are mostly devotees of Christianity and other religions -- to convert to Buddhism and destroying churches and other places of worship.To date, over 3,200 villages in ethnic areas have been destroyed, resulting in the displacement of over 500,000 ethnic populations inside Burma, as well as the exodus of more than 1 million refugees to neighboring countries. In areas of armed conflict in eastern Burma, anti-personnel landmines are deliberately used to target civilian communities, sexual violence is rampantly used as an instrument of control, including systematic rape of ethnic women and girls and taking of sex slaves

as porters for the military, and children are forcibly recruited into the armed forces. The Burmese armed forces, known as the Tatmadaw, maintain the largest number of child soldiers in the world, amounting to over 70,000 child soldiers. The junta also continues to use detainees as porters for the armed forces and commit abuses with impunity, including large-scale destruction of food supplies and means of production, murder, enforced disappearance, and arbitrary arrest and detention.According to the Thailand Burma Border Consortium, the military junta stations 273 battalions, with over 150,000 soldiers which is 30 percent of its total strength in Eastern Burma alone, which is the home of Karen, Shan, Karenni, Mon and other ethnic groups. In 2007 alone, TBBC reported that about 76,000 ethnic populations were forced to leave their homes and at least 167 villages were destroyed by the military junta. These reports have been corroborated by high-resolution, commercial satellite imagery taken before and after the villages were destroyed. These images have been taken by the American Association for the Advancement of Science since late 2006. The AAAS has obtained and analyzed high-resolution, commercial satellite imagery covering about 2,000 square kilometers of Papun, Taungoo, and Dooplaya Districts in Karen State, a small area in Shan State and a refugee camp on Thailand-Burma border. You can find some of the satellite imageries in this room.Mr. Chairman, Commissioners, as I mentioned earlier, the Saffron Revolution is a part of an ongoing campaign of the people of Burma to restore democracy and human rights, and they will continue their non-violent struggle until they achieve the freedoms they want, freedoms they deserve and freedoms they want to enjoy and exercise without fear. I believe the United States has a unique position to help the people of Burma by increasing pressure against the military junta and doubling its diplomatic effort to organize international community to stand together for the people of Burma.My particular recommendation for the United States Congress is to approve two legislations, Senate Resolution S. 2257, known as Burmese Democracy Promotion Act of 2007, introduced by Senator Biden and McConnell and House Resolution H. 3890, Block Burmese Jade Act of 2007, introduced by Congressman Tom Lantos, as soon as possible. These resolutions will help strengthen the current U.S. economic sanctions against the Burmese military junta effectively.My recommendations to the U.S. administration are as follows. First, to implement sanctions, economic sanctions and targeted financial sanctions, effectively and to coordinate with governments of the EU, Canada and Australia, which also impose sanctions on the Burmese military junta. I would like to suggest the U.S. government appoint a full-time sanctions coordinator for Burma, as the U.S. did in late 1990s against Milosevic's regime.And two, I also would like to suggest the U.S. government target more businessmen in Burma who are providing finances to generals and their families. So far, the U.S. named seven Burmese businessmen, including Te Za, and five entities of them under financial sanctions. The Australian government also imposed targeted financial sanctions against 418 Burmese, which include 40 businessmen. So I would suggest the U.S. government cooperate with governments of the EU and Australia to impose financial and banking sanctions against more crony businessmen in Burma.And finally, we are seeing the policy shift among the governments of China, India and ASEAN on Burma, as the U.S. has increased its diplomatic effort to organize these countries to take more responsible stance. So we want the U.S. government to maintain the U.N. Security Council as the venue to discuss the situation in Burma and double its diplomatic effort in organizing these countries to be able to have a collective voice and take effective action on Burma, beginning with a binding resolution from the U.N. Security Council, which will effectively impose an arms embargo.Thank you very much.MR. LAND: Thank you.Ms. Lewa.MS. LEWA: Mr. Chair, honorable Commissioners, ladies and gentlemen, I first would like to thank you all for inviting me before this commission.Arakan State of Burma is by far the most tense and explosive region of the country, due to the refugee outflows to Bangladesh and the direct outcome of policies of discrimination, oppression and exclusion against the Rohingya population.The Rohingya Muslims are a minority group in the northern part of Arakan State adjacent to Bangladesh. They are ethnically and religiously related to the Chittagonians of southern Bangladesh. They have been rendered stateless, officially on the basis of their ethnicity, by the 1982 Citizenship Law. But there is no doubt that their religious identity plays a preponderant factor in the discrimination they are subject to. In 1998, in response to UNHCR, the then SPDC Secretary-1 wrote, I quote, "These people are not originally from Myanmar. They are racially, ethnically, culturally different from the other national races in our country. Their language as well as religion is also different," unquote.Communal tensions are prevalent between Muslim and Buddhist communities in Arakan, and such violence has been exacerbated by the divide-and-rule tactics of the military regime, denying all rights to the Muslim population while posing as protectors of the Buddhist community. However, during the recent protests in Sittwe, Muslims did join the monks' processions.As non-citizens, the Rohingya do not have freedom of movement. They need permission to go from one village to another, and they are prohibited from traveling beyond the three townships of North Arakan. These restrictions seriously limit their access to employment, markets, as well as health care and education facilities. Chronic malnutrition peaks at 60 percent, and illiteracy rate is at 80 percent. They are also barred from the civil service. They need to obtain permission to marry. Their lands are confiscated to establish model villages for resettling of poor Buddhist families from other parts of Burma. Therefore they only have their Muslim faith to turn to for spiritual support, and violations of their religious freedoms have been particularly resented.In July and August 2006, the Burmese authorities ordered the closure of a large number of mosques and madrasas throughout North Arakan. The reasons stated were either that these mosques had been built or renovated without official permission. In North Buthidaung, for example, eight mosques were issued notice to close down in mid-2006 and at the end of the year, another 17 mosques, madrasas and maktabs were ordered to be destroyed. The first eight mosques were demolished by local Muslim villagers on the order of the NaSaKa, the border security forces. and when the villagers refused to do so for fear of God, the NaSaKa destroyed them themselves. Some mosques and madrasas previously ordered for closure or destruction have now been re-opened but only after large bribes were paid to the authorities.The Rohingya are not allowed to build new mosques or madrasas nor to extend or repair existing religious buildings. As a result, many mosques are also left in a state of dilapidation. In Buthidaung this year, no mosque received permission for repair, not even to replace a damaged wooden beam. In Maungdaw, some mosques did receive verbal permission for maintenance against the payment of a high bribe, but as soon as the officer who gave this verbal permission was

transferred, rehabilitation had to be stopped.Since February 2007, the NaSaKa as well as Immigration and the Religious Affairs Department have started a survey of all mosques and madrasas in villages of North Arakan. The survey exercise was another opportunity for the NaSaKa to extort large sums of money.According to our latest findings in Buthidaung North, at least 10 people, including two religious clerics, and in Maungdaw South, four people are currently jailed for renovating a mosque or a madrasa without official permission. They have been charged under the 1950 Emergency Provisions Act, Section 5(j), for, I quote, "affecting the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order," unquote. And they were sentenced for one to two years.Although demonstrations and protests did not spread to North Arakan, the Burmese authorities recently implemented new restrictive measures against any religious congregations, including Muslims who now face difficulties to assemble for the Jumma prayer on Fridays. I should also mention that Muslims are also being forced to be -- (inaudible) in monastery, in particular during the construction of northern villages. Rohingya couples need to obtain a permission to marry, and if they marry unofficially and a religious wedding is not considered as an official marriage, they are at risk of being arrested and jailed. These measures are only imposed on Rohingya Muslims and only in North Arakan. Muslim men, with the exception of religious leaders, must shave their beard to be allowed to marry and couples need to sign a declaration they won't have more than two children.I would like to mention a few recommendations.Number one, the resentment combined with sheer poverty are conducive to radicalization. They have also led to the continuous movements of Rohingya out of Burma to Bangladesh as well as through Bangladesh by boat to Malaysia and Thailand. And thus it has become a regional problem. Therefore, U.S. policymakers should consider the unique situation of the Rohingya in formulating U.S. policy to promote human rights.Number two, direct aid delivery is necessary to alleviate the impact of such policies, but agencies such as the World Food Program do not have enough funding to feed even 50 percent of the extremely vulnerable families. So the U.S. government should provide more financial support for humanitarian action inside Burma, particularly for the World Food Program in Malaysia and (inaudible) for the Rohingya minority.Number three, the U.S. has generously resettled a large number of Burmese refugees from Thailand and through Malaysia. But unfortunately, the Rohingya have been excluded from the U.S. resettlement programs so far. Resettling Rohingya refugees from Bangladesh and Malaysia should be considered as a durable humanitarian solution promoted by the United States.Thank you very much. MR. LAND: Thank you.Mr. Lian.MR. LIAN: Thank you. Thank you very much Mr. Chairman and honorable commission.As we have said, a few months ago, the world witnessed how the Burmese military regime, State Peace and Development Council ruthlessly persecuted Buddhist monks in the streets of Rangoon. And the whole world was shocked. In fact, the State Peace and Development Council have been systematically persecuting religious minority groups such as Chin Christians for decades. My name is Salai Bawi Lian. I am from Chin Human Rights Organization who belong to ethnic Chin who live by western border of Burma.When I and my colleagues founded Chin Human Rights Organization in 1995, our intention was to document all incidents of human rights abuses against Chin people without focusing on a single issue. However, as time went on, it was quickly obvious that the issue of religious persecution was a matter of great concern to us. At least one piece of information in the reports that we gathered for our bimonthly newsletter, Rhododendron News, has had to do religious persecution against Chin Christians. The CHRO eventually published a book "Religious Persecution: A Campaign of Ethnocide Against Chin Christian in Burma" in 2005 that can be downloaded from the Chin Human Rights Organization website. When I look back the record of Chin Human Rights Organization documentation for the past 12 years, it begins with the news about five Chin Christian children lured and forced to become young Buddhist monks and nuns in 1995. And the last information report we received as recently as last month November of 2007 that Chin Christian students in one particular town of Chin state are regularly forced to observe Buddhist merit-making in the middle of the week, and that the entire school have to be closed on official school day. Then the entire school has to make up their missing days on Saturdays. The state prison development council and successive Burma military regime have been systematically prosecuting Chin Christians for these - (inaudible) - that the state prison development council prohibit construction of churches, destroy cross, and replace with pagodas or statue Buddhist monk.After 1990, the Chin never get permit to construct churches. The SPDC destroy most cross planted in towns and replaced with Buddhist monks, they do. The order to destroy cross usually come from the highest military rank in the region. The largest cross remaining, 50 foot tall, in Chin state was destroyed in 2005 with direct order from the highest commander in Chin state.The SPDC also censor Christian Chin literary publications. Since 1962 the Chin never get permission to print the Holy Bible in their own language in Burma. In the year 2000, our Chin organization received the report that 16,000 Bibles was confiscated by the SPDC in India, Burma - (inaudible). The Chin are prohibited to learn their own language in their own homeland. The SPDC also target religious clergy. Christian pastors and ministers are highly respected among Chin people. They are highly respected as intermediary between God and the congregation. The dignitary position of pastors and minister make jealousy of the military regime that they are the fat target in the regime campaign against Christians because no Chin represent official level, whether the local, the state or the federal level. So the religious leaders are highly regarded among Chin Christians.Rev. Vancon (ph) and three other village elders were brutally killed. Rev. Loytang (ph) was humiliated and brutally killed. Several other pastors and ministers have been humiliated and arrested. Christians also face restrictions on freedom of assembly and worship. All Christian gatherings and conference, including religious festival, require prior authorization by the military regime. The regime usually even pose many restrictions or deny.In some occasion the sermon in the church had to be approved by the authority. The SPDC also discriminate based - practice discrimination based on ethnicity and religion. Christians with Burma ethnic background cannot be promoted in high ranking government official. Even in the army, Chin Christians cannot be promoted beyond major rank, unless they converted to Buddhism. According to one of my interview, Major Tonlien (ph), who sought refugee asylum status in the States, he commented that in the military there are three categories divided - A, B, and C, those who cannot be promoted. A stands for AIDS. B stands for hepatitis B, and C stands for Christian. Those people never get promotion.The

state prison development council also impose selective fourth level in Chin state. Fourth level is, as we all know, widespread practice in Burma. However, fourth level is especially directed against Chin Christians in order to coerce them into converting to Buddhism. Those who convert to Buddhism are exempted from fourth level, while Christians are forced to work on Sundays. The state prison development council actively sponsor - state sponsored expansion of Buddhism in Chin state. Since the early 1990s, the Burma military regime created hill region Buddhist missions and sent many Buddhist monks to Chin state, along with ten battalions of Burmese army. Chin Christians are forced to contribute labor and money for construction of Buddhist monastery and pagoda, and forced to listen to Buddhist monk sermons. Many Chin Christian children have been lured to provide education in higher town. However, children are later found to be in Buddhist monastery with their heads shaven, to become novice Buddhist monk.As a result of widespread human rights violations in this kind of religious rights abuse, there are 3,000 Chin refugee living in India. There are 25,000 Chin refugee living in Malaysia. The Chin people are facing untold poverty - (inaudible) - at the present. So I would like to make a few recommendations.These religious abuse and human rights violations can be eliminated only if we can solve the political problem in Burma we can be resolved through dialogue. Reconciliation is -- (inaudible) - through dialogue, political dialogue. And I think it's important to implement broad-based constitutional review commission proposed by UN Special Envoy Mr. Ibrahim Gambari, and we urgently need to implement broad-based poverty elevation commission. Thank you very much. I'll be happy to take questions.MR. LAND: Thank you. Nina?MS. SHEA: Thank you all very much. I've been very appreciative of all your testimony and all the wonderful facts that are so hard to come by and collect, to our attention. What have been the effects of the policy of "Burmanization" on the ethnic groups? You've had limited time in your testimony to explain it, but for example, how many of the Rohingya and the Chin remain in Burma? And anything else you can tell us about the status of these communities at this time, their physical condition but also their outlook.MR. LIAN: Thank you. This has a great impact on the Chin community. In fact, the government - (inaudible) - Chin state. The population never grows since 1980. In 1980 the population of Chin state was 450,000, estimated. And at present the population still remain the same. That means many people left to other countries, or moved to other, bigger town and city to avoid targeting because they have been persecuted because of their religion, because of their belief and support in democracy, and because of their ethnic background. This has a great impact on the Chin community.MS. SHEA: And are they subject to the two-child policy that Ms. Lewa described for the Muslims?MR. LIAN: I'm sorry?MS. SHEA: Have you heard of the limitation of children, government-imposed limits on the number of children?

MR. LIAN: Oh, no. That kind of thing not happen.MS. LEWA: Yes, I think the situation of the Rohingya is a bit different from the other minorities in Burma. I think in terms of most of the minorities in Burma, the policy has been of trying to assimilate them. That's what you call Burmanization. By force. Whereas the Rohingya are excluded, and that - they are different, racially and religiously, and often the government refers to them as illegal migrants from Bangladesh. It's true that during the British colonial period there had been a lot of migration at the time there was no border between the two sides. But that's how it's viewed today.And yes, so that's also I think the Rohingya population is known to have because of religious tradition lots of children. And I think in a way to prevent them to grow, the government has implemented now this condition of having no more than two children. I also think I should mention that this is all over the country, but for especially vulnerable groups, these kinds of policies are also used for extorting money more than anything because so far we don't know whether anyone has been arrested for having more than two children yet. So I think there is a lot of new policies regularly coming up in North Arakan, but sometimes we believe that it is mostly to find a new way to extort money from the population, like arresting people and then demanding high bribes to release them.In fact, a bit like the Chin is the same. People are leaving the country. The Rohingya is particularly of concern because they are stateless so they are not even considered citizens. And for example, my latest project have been documenting a new movement by boat people basically from - well, moving from Burma into Bangladesh, and they are at the hands of traffickers, smugglers. But also when they arrive in Thailand, in order to try to go overland to Malaysia, and in the end, when none of the government of the region is actually able to know what to do with them because deporting them back to Burma - I mean, we have experience the Burmese government actually send them back to Thailand, saying these people are not from our country.So this is creating now a serious problem at a regional level. That's why I think this issue should be taken a bit perhaps more seriously than in the past, where it has been largely ignored.MR. DIN: The "Burmanization" policy, what I understand is that in the military there is a written policy that encourages to marry - (inaudible) - women. And if they can marry the ethnic woman who are from the rich family and hierarchy, these soldiers can be rewarded by promotion or something like that. If they can convert, they can afford their spouse to change their religion from their original one to Buddhism, they can be rewarded. These are the policy, actually written policy among the Burmese military.This applies to every ethnicity - Shan, Kachin, Karen - (inaudible). That's all I would like to add.MS. SHEA: Could I just add, to follow up?MR. LAND: Nina?MS. SHEA: And do any of you know if the All-Burma Monks Alliance has condemned these practices of Burmanization or assimilation?MR. DIN: Yes, of course. This is not an ethical movement. We believe that everybody has their right to believe in what they believe, whatever religion they believe. So this is kind of the first combating other religions, that we ought to note that such activity. So I believe the All-Burma Monks Alliance - (inaudible). It's not a proper way to recruit to Buddhism.MR. LAND: Over here?MS. GAER: A question about your recommendations. You propose that the United States have a full-time sanctions coordinator. What difference would having a full-time sanctions coordinator make over having - this is a two-part question - over the current officials who are active on this issue now?And secondly, you recommend that the U.N. Security Council be maintained as the focus of all of the efforts for discussing Burma. In view of the rather modest response by the Security Council so far following these massive demonstrations, arrests, and the like, in view of the rather modest response to Mr. Gambari's two visits, why do you think the U.N. Security Council is the right venue for these diplomatic efforts?MR. DIN: Yes, Commissioner. The first question about sanctions coordinator. The United States has imposed economic sanctions after the Saffron Revolution.

Actually the economic sanctions was imposed since 2003, and then currently President Bush announced a new executive order to target the, to impose financial sanctions against 14 members of military junta, and 11 cabinet ministers, and 7 businessmen, and 5 business entities. These sanctions were monitored by three different departments - Department of State, Department of Treasury, and Department of Commerce. So when the U.S. announced the additional sanctions would target some businessman, it was quite effective. And you think about they have their business in Singapore, they have their bank in Singapore, and Singapore government took the action quickly in asking these companies to stop opening bank account - or to close their bank accounts in Singapore banks. These are quite effective. If the United States put more names on the list to target financial sanctions, that will be very, very effective in cutting their financial resources to the generals and their family members. But also when we look at Australian government's sanctions, they have four refugee names in which 40 businessmen are included, and others are generals and their family members.So we want the U.S. government to coordinate with other governments as well to have more names on their list to make the sanctions effective. And when we have that precedent during the 1990s against the Yugoslav Milosevic government, the United States have appointed one sanctions coordinator to coordinate all the sanctions effort to be effective, to be stronger. And now we - (inaudible) - you need multilateral sanctions from the U.N. Security Council, and in this situation we have to strongly coordinate sanctions from the U.S. and Australia and Canada. So to that matter we need to have a sanctions coordinator to play a very important role. This is the first question.The second question. Burma has been discussed in the United Nations since 1991. So, so far we have 34 resolutions from the U.N. General Assembly, U.N. Commissioner of Human Rights, international development organizations, and currently the latest U.N. Security Council. Also resolutions from ECOSOC. But these resolutions were non-binding resolutions. That is why the military junta just simply ignore these resolutions. So only the United Nations Security Council has power to enforce binding resolution, which is necessary for the members to obey. That is why we were in Burma to be in the - (inaudible) - of the U.N. Security Council. We want the U.N. Security Council should be the venue to discuss the situation in Burma.Even now we are on the - (inaudible) - of the U.N. Security Council. Maybe one day, maybe next year, beginning from 2008 there will be some attempt to remove Burma from the ASEAN - (inaudible) - members of the council, and now with Indonesia. So we are afraid that there will be such a - (inaudible) - to remove Burma from the permanent - (inaudible) - of the U.N. Security Council. But we don't want to lose this situation. We want the U.N. Security to monitor the current situation in Burma. If possible, we would like to have the binding resolution from the U.N. Security Council, which will begin with imposing - (inaudible).Mr. Chairman, Commissioner Felice asked a question to the first panel about the numbers of arrests and die in the Saffron Revolution. As a former political prisoner, I also represent the association for former political prisoners - (inaudible) - and I wanted to answer that question, if I may.MR. LAND: Please. If you can do it quickly.MR. DIN: Yes. Let me begin with what SPDC, the military junta, knows. The military junta officially announced that during the demonstration they have arrested about 3,000 protestors, including 800 monks. And they said that they only killed 14 people, and there is no monks on the list. But according to eyewitnesses, according to the various accounts, we believe that they have arrested over 5,000 people during the Saffron Revolution, in which about 2,000 were Buddhist monks. And the military junta claimed that they have released all of them. So far they only keep 91 people in the prison, and there are no monks in prison. It is what the military junta claimed recently.But according to our knowledge, there are still 700 protestors in detention, and among them about 80 are Buddhist monks. And they continue to arrest the people. Even in this November they have arrested 26 people. Even two days ago on November 26th they have raided the - (inaudible) - Buddhist monastery in - (inaudible) - townships to arrest Buddhist monks who they have a record of photographs during the Saffron Revolution, but luckily these monks escaped from arrest. Now two of them are now in Thai-Burma border. November 30 they arrested five other monks from the Kodaji (ph) monastery because these monks are student monks.Now they have applied the examination, applied to - (inaudible) - with their photos attached. The authorities checked against these photos with those photos they had - their witness photo of the Saffron Revolution. They found these five monks were included, participate in the Saffron Revolution. That's why now they arrested. So arrests are ongoing, and the number of arrests stay at large. But that's why with the U.N. Special Report of Pinheiro they have tried to investigate numbers of arrests, numbers kept, but his visit was tightly controlled by the junta. He could not make any kind of effort to confirm these numbers. Thank you, sir.MR. LAND: Thank you. Imam, do you have a question?MR. EID: Yes, just a small question to Ms. Lewa. My question is regarding the Rohingya Muslims who are forced to flee to Bangladesh. Is it true that they create instability in Bangladesh by disrupting national election campaigns? Or it's something the Bangladesh government is claiming?MS. LEWA: To answer your question, well, I think any group of refugees or migrants, especially in large number, would create instability in the country where they are hosted. And that's the case of the Rohenia as well. I think we have to recognize that, not only in terms of creating instability at the level of the local power structure and the local community, but also in terms of the environment, et cetera.Well, in 1991-92, 250,000 of them fled and were housed in about 15 camps at a time. Then a repatriation was organized through the supervision of UNHCR at the time, which was mostly non-voluntary. So today a large number of those repatriated came back, but they are not allowed in the official camps, which makes them - I mean, they cannot receive any official assistance or protection. So they find any way they can in order to cope with the situation. And yes, it is true that some of them have managed to be registered as voters, but in terms of all the work I have done, I never saw any report that they disrupt elections.What can be done, I know the Bangladesh media generally have quite a negative image of them. They are spreading, and I think the main problem that people are concerned about is that indeed some of them have been used as vote banks by different political parties.MR. LAND: Thank you. I want to thank all three of you for being here, and thank you for your courage. We certainly appreciate your willingness to come and testify. Thank you very much. You've been very helpful to us.For our third and final panel I want to introduce two witnesses who will speak about U.S. policy ramifications relevant to our discussions and our subject today. Michael Green is a senior advisor and holds the Japan chair at the Center for International Studies, as well as an associate professor of international relations

at Georgetown University. He served as a special assistant to the president for national security, and senior director for Asian affairs at the National Security Council from January 2004 to December 2005. He joined the National Security Council in April of 2001. From 1997 to 2000 he was a senior fellow for Asian security at the Council on Foreign Relations. He served as a senior adviser in the office of Asian and Pacific affairs at the Department of Defense in 1997, and as a consultant in the same office until 2000.Jared Genser is the president of Freedom Now, and an attorney in the global government relations group of DLA's Piper US LLP. His human rights clients have included former Czech Republic President Vaclav Havel, former Norwegian Prime Minister Bondevik, and Nobel Peace prize laureates Aung San Suu Kyi, Desmond Tutu, and Elie Wiesel. Jared holds a B.S. from Cornell University, a Masters' in Public Policy from the John F. Kennedy School of Government at Harvard, and a J.D. cum laude from the University of Michigan law school, and he's a term member of the Council on Foreign Relations.Thank you, gentlemen, for being here. We're looking forward to hearing what you have to say.MICHAEL GREEN: Thank you, and thank you to the Commission for focusing on this issue, which is still very much in play, in flux, and it's an appropriate time for thoughtful recommendations to the Congress and the administration and our friends around the world on how we can begin to turn a very tragic situation into a better situation for the 53 million people in Burma.We've been impressed with the moral and physical courage of Aung San Suu Kyi, of the monks, many of the witnesses spoke before us. Their pacifist, non-violent - hardly passive, but pacifist and non-violent tradition of trying to bring about peaceful democratic change draws from Buddhist religious traditions. But as we've seen in the Hindu tradition with Gandhi, the Christian tradition with Martin Luther King, there are principles in many great world religions that give us hope that as both Gandhi and then recently on his trip here His Holiness the Dalai Lama said, in the end righteousness always prevails.The problem, however, as Bismarck once said famously about the Pope's moral authority in the 19th century, how many divisions does the Pope have? And when we look at the successful cases of non-violent resistance bringing about peaceful democratic change, there were always two things we had to have in addition to the indispensable element of the kind of moral and physical courage we see in Burma today. Either the resistance has to be against an authority that is based on the rule of law, as Gandhi faced with the British, or Martin Luther King faced with the United States government, or there has to be some fundamental change in the international context and the international support for the repressive regime, as we saw with the Velvet Revolution, for example, or many of the peaceful transitions in Eastern Europe.So although the courage we see in Burma is indispensable and is inspiring, and there are desperately brave people working to free their fellow citizens today, in many ways where we also ought to focus is the international context. I wrote a piece for Foreign Affairs in the current issue with my colleague at CSIS, Derek Mitchell, assessing the players around Burma, and we thought that although most of the players have traditionally worked against each other's interests and therefore given hope and comfort to the SPDC, there are trends, there are reasons why China, India, ASEAN, Japan, the United States, the EU would have a convergence of interests quite apart from the moral questions in preserving stability and progress and addressing the challenges in Burma.We wrote that actually before the current protests began. It was a backwater piece for Foreign Affairs. They put it on the front cover as things started to get in the front pages of the news. Looking back I think - I would say, and I think my co-author Derek Mitchell would agree, that there is some good news. There has been broad international indignation at what has happened inside of Burma. The U.S. government's proposed sanctions are very strong and very smart. The president, the first lady, bipartisan members of Congress have come together on this issue in the way they have come together on almost no other issue in recent years.China has done things people might not have expected. They've spoken out. Wen Jiabao, the premier, and other leaders, about their dissatisfaction with the junta. The Chinese ambassador in Rangoon went door-to-door with Mr. Gambari to make sure he got his meetings. These are tactically very important things China has done. Small but unprecedented. Japan has halted its aid. India, which really should be doing much more given its own tradition of nonviolent resistance, the fact that Aung Suu, since she was given the Nehru prize, you would expect India to do more. They finally have. Reportedly they've stopped arms sales.ASEAN has made some strong statements, under the leadership of Singapore particularly tough. And Mr. Gambari has certainly done better than any of his predecessors in getting access to Aung San Suu Kyi and keeping some process going. However, many of these are tactical. They are unprecedented but they are not huge, and many of them reinforce process without results, and I think the problem we face in terms of international work on this situation is that we could easily slip into process for process' sake. China and India, certainly, I think would be very satisfied with that result. They have other fish to fry, whether it's energy or strategic access. The United Nations bureaucracy has resisted any kind of contact group or committee of the major powers, preferring to keep it in the U.N. channel, which means that it will ultimately be a sort of lowest common denominator approach, working on consensus, and that it will have no teeth.ASEAN looked pretty good at first, but as you may have seen in the recent ASEAN summit, they couldn't even reach agreement to have Mr. Gambari brief them on what had happened, which suggests that the junta is exerting influence, perhaps with other like-minded states within ASEAN, and we're going backwards in terms of ASEAN's role, in spite of the fact that they are celebrating their 40th year with a new draft charter championing human rights and democracy. And the U.S. government, in spite of some very good sanctions hard work in the U.N., really has not brought together this effort in a coordinated way to make sure that the sanctions are - and the coercive side of this is brought together, and the diplomacy. I think we're not going to see the international community come together in an effective way unless the U.S. takes the lead. We don't necessarily want to be the face of this international approach, but we have to be the engine. Derek Mitchell and I wrote about the need for senior coordinators. Some people have said - have latched onto this to suggest we need an envoy from the United States to go to speak with the SBDC. That is not what we are talking about. We need something more akin to the contact group with Yugoslavia when we had senior U.S. officials coordinating the positions of the major powers to make sure that the sticks and carrots were lined up to be effective. So one of the first things that a senior coordinator or a contact group effort should do if it's led from the United States is to try to bring together the major players to agree on some clear benchmarks. Obviously, that would include the irreversible and unconditional release of

Daw Aung San Suu Kyi and Aldi (ph) leaders, heeding the recommendations of the U.N. official, Mr. Pinheiro on human rights, full transparent and inclusive reconciliation and constitutional convention process. These benchmarks are only effective if there are consequences. And just as in other work on religious freedom around the world, we have had awards and benefits for progress, which we've seen work and I've testified here about Vietnam and China. But I think one thing we've found is without some consequences for non-action built into the diplomacy, you'll just end up with process. That's where the earlier discussion you started into about coordinating on financial sanctions becomes very important. I was involved or saw two of these efforts in the NSC, one on Yugoslavia, one on North Korea. The reality is that you have to have either in the NSC or the State Department or somewhere a senior level official coordinating efforts. Why? Because you need intelligence, you need to be able to task the intelligence community to find out where the money is, which we do very well since 9/11. You need someone to coordinate approaches at a high level to foreign governments, especially finance ministries and regulators, as people like Stuart Levy in the Treasury Department have done very effectively on Iran and North Korea. It's not just enough to publish these sanctions; you need to go around and twist arms and get governments to implement them and to look for opportunities. For example, this ASEAN meeting was an opportunity; we should have had senior people pressing our friends in ASEAN to, at minimum, hear a briefing from Mr. Gambari to come up with a stronger statement. Our European friends met with him. If we had a regular coordinated effort, we would be able to translate some very good instincts and some very good policy direction into some results. So there are specific things we could do. It's going to be an uphill battle, but I think they will show us results. The final thing I would say is we have to keep the larger question of our visibility and presence in Southeast Asia in mind. It's difficult to ask a bunch of our friends in ASEAN if we're not actively participating in the ASEAN regional forum. The president has been forced to reschedule his summit with ASEAN leaders. But these larger diplomatic efforts, which are matters of face and matters of commitment in the region, also provide a context on the diplomatic front that we need to keep in mind. Thank you. MR. LAND: Thank you, Mr. Green. Mr. Genser. JARED GENSER: Good afternoon. I'd like to begin by thanking the commission, Mr. Chairman and members of the commission for holding this important hearing today. I'm pleased to offer my personal views about the situation in Burma as was mentioned in your kind introduction. I've worn multiple hats in relation to my work on Burma. I just wanted to make clear at the outset that the views I express today are wholly my own and not made on anyone else's behalf. In my testimony today, I want to provide some historical context for understanding the current situation in Burma, then assess the current U.N. mission led by special envoy led by Ibrahim Gambari, third analyze recent actions taken by the EU, ASEAN, and China, and then lastly talk about some specific steps that I might recommend the United States and others taking to advance the process of national reconciliation in Burma. It has been 17 years since Burma's 1990 democratic elections, when the National League for Democracy and its allies won more than 80 percent of the parliamentary seats. And yet unfortunately as we sit here today, it's hard to answer the question as to whether we're any closer to the restoration of democracy for the people of Burma. For decades, Burma has posed a challenge to the international community, torn between a sanctions-based approach and constructive engagement. But in reality, in my view at least, this is a false dichotomy and likely what is required is both more sanctions and more engagement. The sanctions-based approach has been confined primarily to Western democracies. The U.S. imposed a ban on new investment in 1997 and a ban on the import of many goods in 2003. The EU has historically had more limited sanctions in place, but they have recently extended those sanctions to cover a broader class of imports. But rather than concluding that sanctions have failed, as some have argued internationally, it's actually more accurate to say they really haven't been tried in any meaningful way except by the United States. In Asia, constructive engagement policies prevail. China, India, and Singapore, among others, have invested billions in the country. Most trade is centered around energy, timber, and gems. But this approach has demanded nothing in return from the junta and little of this trade has yielded any real benefit for the Burmese people. The military junta built its new jungle capital, Naypyidaw, and enjoyed a standard of living far removed from ordinary Burmese who are among Asia's poorest citizens. And their mismanagement ironically has led to the current impasse. Desperate for hard currency, the generals raised gas prices 500 percent in August overnight, triggering the self-inflicted crisis and subsequent crackdown. If we're to believe the self-congratulatory predictions of Mr. Gambari, the military junta in the country has changed its tune from when it brutally cracked down on the protestors just in September. He has urged Security Council members to give his, quote, diplomatic effort time to succeed. But, of course, this is the same person who after a prior visit claimed that the junta had, quote, turned a new page in its foreign relations with Burma and right after that very visit, the junta extended Daw Aung Sun Suu Kyi's house arrest by another year. The history of the U.N.'s relations with Burma over the last 17 years suggest a good reason for a healthy skepticism of Mr. Gambari's pronouncements. Prior U.N. envoys to Burma from the former Commission on Human Rights and Human Rights Council have included Japanese academic, Sadako Ogata and Yozo Yokota, former chief justice of Mauritius, Rajsoomer Lallah, and Brazilian law expert, Paulo Pinheiro. And there were the special envoys sent by the secretary general himself, including Peruvian diplomat, Alvar de Soto, and Malaysian diplomat, Razali Ismail. Most of these envoys were denied access to the country and even those who ultimately had access ultimately gave up in frustration at their inability to make any real progress. Long time Burma analyst Bertil Lintner has noted, quote, for the junta, manipulating the U.N. and sporadically giving false hopes to the international community, buys it time while it moves to legitimize its hold on power. Razali's successor, special envoy Gambari, has so far continued in the tradition of previous upbeat U.N. officials who in the end achieve very little, if nothing for the people of Burma. I would note that indeed just today in a rare press conference, Burmese information minister, Kyaw Hsan, said that there was no role for the opposition in the drafting of the new constitution. He said, quote - and this is just today - no assistance of advice from other persons is required, adding, it is not reasonable or fair to amend those principles adopted by the delegates. This is in the national convention. He went on to dismiss September's protest as, quote, trivial for the whole country, end quote, blaming them on, quote, bogus monks and the involvement of foreign pro-democracy groups. Meanwhile in recent weeks, the junta has kicked out U.N. special coordinator Charles

Petri, continued rounding up and imprisoning pro-democracy activists, charged U Gambira with treason, putting him in the way of a potential death penalty, and closed a monastery used as an AIDS hospice. In this context, I have yet to even see what Mr. Gambari recently described as, quote, snail-paced progress towards democratization. Nevertheless, I do applaud Mr. Gambari's statement that the U.N., quote, wants time-bound, concrete, and serious results, starting with the release of Aung Sun Suu Kyi. But I do not believe that this will happen until Mr. Gambari is empowered as an envoy with the full weight of the U.N. Security Council behind him. Historically, the EU's common position on Burma was strong in rhetoric and weak on substance. As I mentioned, they've increased their pressure in recent weeks, adding a ban on imports of timber, gemstones, and precious metals. ASEAN has struggled to come to terms with how to deal with Burma. Individual members, including Indonesia, Malaysia, Singapore, and the Philippines, have been critical of Burma, even publicly describing Burma as holding back economic development of the block. But their difficulties - ASEAN's difficulties - both because of their non-interference policy and their inability compel action by its members was highly visible at the recent ASEAN summit. Nevertheless, ASEAN has had some positive moments from persuading the junta to stand down and share in the organization in 2006, publicly calling for Aung Sun Suu Kyi's release, to condemning the recent September crackdown. Ultimately, however, even under its new charter, Burma will remain a problem for ASEAN. The principle of non-interference remains intact and the block has remained a bulwark against Western criticism of Burma. China's role is paramount, despite protestations that a country should not interfere in the internal affairs of another, China has been the largest supplier of weapons to the Burmese junta to the tune of billions of dollars. This is both to protect their own economic investments, of course, as well as the regional security concerns that they have. Given its strong interest in maintaining its relationship with the junta, China has been one of its strongest defenders, both in the U.N. Security Council and beyond. In addition to vetoing a non-punitive resolution on the Security Council this past January along with Russia, China has publicly and privately pressed for the junta to be given further time, at the same time recognizing that it would be unable to withstand pressure if Burma did not cooperate with the U.N. As Mike mentioned as well, Chinese ambassador to Rangoon was helpful in facilitating meetings and ensuring that the junta provided at least some face time for U.N. officials. Let me just conclude with some quick recommendations from my perspective. There are, of course, no easy answers to how to move forward, even in so many moving parts. But there are a few things to keep in mind. First, it's unlikely that the Burmese junta will feel compelled to do anything meaningful until the Security Council is able to agree on a way forward. This will, of course, be an uphill struggle, given China and Russia's seat at the table, but the United States and other countries can apply pressure on the U.N. and Security Council members to adhere to Mr. Gambari's comment that the U.N. wants time-bound, concrete, and serious results. In the meantime, further sanctions should be applied wherever possible to increase pressure on the regime. In particular, I hope that the Congress acts on HR-3890, the Burma Jade Act, to extend U.S. financial sanctions to Burmese gems that pass through third countries on their way to the United States. This legislation would close a major loophole in the U.S. import ban. Similarly, the EU should implement its own import ban with similar provisions. In addition, the U.S., EU, Australia, Canada and a number of other countries are beginning to make a more serious move to implement financial sanctions against the senior members of the Burmese junta. Such actions have real potential to make it more difficult for the junta to store its assets abroad. Anecdotally, in conversations I've had with diplomats from ASEAN countries, I know there is deep concern about the prospects of the United States doing to a state-owned bank what happened to Banco Delta Asia in Macao because of its laundering of North Korean funds. Lastly, the U.S. should continue to press ASEAN, China, Russia, and India, among others, to support the call for democratic reform in Burma. Ultimately, my expectations among this group of countries and ASEAN are not high, but even merely persuading China to allow the Security Council to take non-punitive action in the first instance could have an important impact. In conclusion, I would remind everyone here today that the Burmese people have yet again signaled to the world that they yearn to be free. The question remains as it has for years whether the international community will heed their cry for help. Thank you. MR. LAND: Thank you both. I appreciate it very much and I know we have questions. Commissioner Gaer. MS. GAER: Well, I wanted to focus in on the China angle again. The Chinese ambassador greeting Gambari at the airport taking him around is really quite, I think, unprecedented. We're in a year where Olympics are taking place in China and we've already seen that a China empowered by our sanctions in a place like Darfur has more leverage in some cases than we would have ever wanted or imagined. And when put to the test, they've done more than others might have anticipated. Is a similar strategy possible with China now? If activists and policymakers and the public brought more pressure on China, would China act more responsibly in this situation or do they have a line that they'll go up to and walk away from? I wonder if either of you, both of you could comment. MR. GREEN: China has a reputation, well deserved, for coddling some of these particular egregious regimes, but they've also proven, as you said, that when they have some serious sanctions, either in the Security Council, from the G-7, from other major powers, from the United States looming, that they're very good at going into Kim Jong Il's, the leaders in Sudan, or even in the junta's case in Burma and saying we can talk here or we can talk down at the station, basically. They've learned to play that good-cop, bad-cop game. I think there is a line, sort of a ceiling. China does not want democratization in Burma. Another color revolution is not viewed as a positive thing by the leadership in Beijing. At one point, Chinese scholars two years ago were noting that the colored revolutions were moving like dominos from Eastern Europe through Central Asia, right at Tiananman Square. So I think that's an area they're not going to want to encourage. However, the transnational problems that Jared's written about very clearly, whether it's HIV/AIDS, drugs, trafficking of persons, are a big problem for Hunan province, for China's borders. So there are some reasons why they want, perhaps if not democratic transition, good governance, basic addressing of the people's needs, even if it's not at the ballot box. China will be responsive to pressure. In a Senate hearing earlier on this subject, people asked about boycotting the Olympics. I would argue that would be counterproductive, but I do think the Olympics are focusing the Chinese government on their reputation and will mean that they'll be sensitive. We saw with Darfur what happened when Hollywood threatened to stop cooperating. It had an effect. State Department did their part quietly, and

they're a little jealous that Hollywood's getting the credit, but it did have an effect. The combination of our financial sanctions, which are effective and targeted, but require diplomacy to make sure countries are paying attention, the Security Council push that Jared talked about, and big power politics shifting - if the Chinese see that ASEAN is truly living up to or trying to follow through on its new charter's commitment to human rights and democracy, if it sees the strategic winds shifting, if it sees Japan starting to play a harder role, the Chinese are very smart players of power politics, they're not going to want to be on the outside on this issue. So I think the combination of those things would work. It requires a toolkit on our part that includes more coercive things than we have right now. MR. GENSER: I would only add two points to Mike's very insightful comments. One is to emphasize that it's quite helpful that the Chinese in this instance and more generally in their foreign policy are relatively speaking non-ideological and purely self-interested. I think that the fact of the matter is that if they saw the writing on the wall that the junta was about to fall, they would switch their allegiance before they fell, because they would want to curry favor with the new democratic government in place. I don't think they see the writing on the wall right now and so there's no reason, as Mike indicated, for them to do anything other than try to be seen as being helpful. But I think that that is the reality of the Chinese situation: even though they don't want to see democratization, they also don't want to be left behind. I would say that there is ongoing leverage with China to continue to press on Burma. I know that they are deeply concerned about their image globally, as has been discussed, and ultimately, I think that this issue unfortunately has to be played against many other bilateral concerns of the United States and China. There is a whole host of issues on the bilateral agenda and ultimately I think to get something done in the Security Council, there is going to have to be some horse-trading that happens. The last point I would only make is I can't say that it doesn't - the old saying, you know, that the greatest wounds were self-inflicted doesn't come into play here with respect to the Burmese junta. They do never seem to miss an opportunity to miss an opportunity and the fact of the matter is that we're having this hearing today and the world is focused again on Burma because of their own incompetence and their own mistakes. So I think that we will be helped in our advocacy with China if the junta continues to make mistakes of this sort. I think it's inevitable that they will continue to do so, hopefully with as minimal loss of life as possible. But I think that there will continue to be opportunities, because China also doesn't want to be seen especially, given the brutal oppression and crackdown that we've talked about today, they don't want to be seen publicly as, you know, standing in the way of the international community acting when there's a public outcry of concern. MR. EID: From what I heard, it certainly suggests that it is very difficult to find a solution to this situation. And what the international community did or reacted, it seems that the Burmese government got away with what they have done, and what I see also that the international community just -(inaudible)-- nothing else. So...what do you think?MR. GREEN: Well no, I mean, I think we should be honest that this is a difficult and uphill problem for those within Burma who are working for religious and political freedom and those outside of Burma. This is not one of those problems in international relations that just requires, you know, the right people getting together in a room. We can improve our chances significantly if we are organized politically, internationally, and domestically. I think just to slightly expand on my earlier comments, when the secretary of State or the national security advisor wants to keep focus on something, they create an inter-agency group with somebody senior running it and they ask them every week or every other week for an update and it's across the board. It's sanctions, it's diplomacy. And we've talked about sanctions; we also have to acknowledge that we're putting - if we're going to have an international effort, we have to be willing to take into account other parties' concerns. And other parties will ask us to engage the junta to remove sanctions. We'll need to think about how we handle that down the road; I wouldn't start with it, but that's how multilateral diplomacy works. You need domestically, though, to be organized in the U.S. government so that you're answering these questions every week or every other week, looking at the opportunities to use your toolkit, which needs to be including, as I said, sanctions, diplomacy, high-level contacts, second-track and NGO efforts, and then somehow organizing the international community. Right now, most of that is being done by Mr. Gambari himself. When the EU sent their senior official on this issue to Washington recently, he met with Deputy Secretary Negroponte, with the deputy national security advisor and others, it was quite obvious that he didn't have a counterpart in the U.S. government, for example. And I'm sure that all his meetings were good and that the officials he met were very capable people, described what we're trying to do and it's the right thing, but to me, when I read that, it was quite telling that in the EU, which is a bureaucratic nightmare, they've actually got one person doing this - (chuckles) - and he comes to Washington where we have one government and has to meet half a dozen different people to piece together what the policy is. So we can organize better for it. I think - I fear that what you've described will be the result. And it's a difficult one, too, because we're at the end of an administration. We have a divided government and we have a lot of other things on our plate, so it's hard. It's hard to do these kinds of things in government at a time like this. But I think we can't really afford to wait because the international indignation and focus is going to dissipate. We're not quite - this chapter's not closed yet, so it's not too late, but it's getting there. MR. GENSER: I don't think I have anything to expand on. MR. LAND: I want to thank you for being here. I want to thank all the panelists who took time to be here and the courage that you've exhibited in taking a stand against this oppression and I want to thank all of those on the U.S. Commission staff who worked so hard to help put this together, this hearing. And I want to thank all of you who took the time to attend. Thank you very much. (END)